

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

DWAYNE K. TARPLEY,)
Plaintiff,) Case No. 4:07CV00030
v.)
C. L. EIKOST, P. K. STANLEY, et al.)
Defendants.) **ORDER**
) By: Jackson L. Kiser
) Senior United States District Judge

Before me now is the Motion to Dismiss Defendants M. Lee Stillwell and Phillip K. Stanley under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. For the reasons stated in the accompanying Memorandum Opinion, the Defendant's Motion to Dismiss is **GRANTED**.

The Clerk is directed to send a certified copy of this Memorandum Opinion and the attached Order to all counsel of record.

ENTERED this 24th day of August, 2007.

s/Jackson L. Kiser
Senior United States District Judge